

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/573,494 Confirmation No. 9326  
Applicant : H. TANIKAWA et al TC/AU: 1794  
Filed : March 24, 2006 Examiner: J.A. Watts  
Title : PROCESS FOR MAKING FILLED SNACKS AS DRIED BY  
NON-OIL FRYING  
Docket No. : KY-5253  
Customer No.: 24956

**AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

May 14, 2010

Sir:

Further to the Notice of Appeal filed on January 14, 2010 in response to the Office Action (Final Rejection) of October 14, 2009, please amend the above-identified application as follows. A Request for Continued Examination (RCE) and Petition and fee for a two-month Extension of Time and appropriate fees accompany this response.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks / Arguments** begin on page 6 of this paper.

**Amendments to the Claims:**

This listing of claims will replace all prior versions and listing of claims in the application.

**Listing of Claims:**

1. (canceled).
  
2. (currently amended) A process for making filled snacks as dried by non-oil-frying comprising the steps of:
  - (a) kneading a wheat flour mixture to prepare dough;
  - (b) rolling said dough to prepare a dough sheet;
  - (c) steaming said rolled dough sheet and cutting a plurality of sections of a specified size and a specified shape from said steamed dough sheet;
  - (d) placing a dried filling on each of said sections;
  - (e) joining the opposite edges of each of said sections so that said filling is enclosed in each said section to prepare a wrapped dumpling, wherein in said step (e), the opposite edges of each of said sections are thermally compressed together by simultaneously applying heat and pressure so that they are joined; and
  - (f) drying said wrapped dumpling by means other than oil frying.
  
3. (canceled).

4. (previously presented) A process for making filled snacks as dried by non-oil-frying comprising the steps of:

- (a) kneading a wheat flour mixture to prepare dough;
- (b) rolling said dough to prepare a broad dough sheet;
- (c) steaming said rolled broad dough sheet;
- (d) transporting said broad dough sheet, wherein in said step (d), a powder is applied to the surface of a conveying belt for transporting said broad dough sheet in an amount ranging from  $0.0014 \text{ g/cm}^2$  to  $0.0222\text{g/cm}^2$  ;
- (e) slitting the broad dough sheet, as it has been transported, into specified widths to prepare a plurality of dough strips of narrower width;
- (f) cutting a plurality of sections of a specified size and a specified shape from said plurality of dough strips of narrower width;
- (g) placing a dried filling on each of said sections;
- (h) joining the opposite edges of each of said sections so that said filling is enclosed in each said section to prepare a wrapped dumpling; and
- (i) drying said wrapped dumpling by means other than oil frying.

5. (canceled).

6. (previously presented) The process for making filled snacks as dried by non-oil-frying according to claim 4, wherein said step (d), the powder is at least one

starch powder selected from the group consisting of potato starch, tapioca starch, corn starch and sago starch.

7. (canceled).
8. (currently amended) The process for making filled snacks as dried by non-oil-frying according to claim 4, wherein in said step (h), the opposite edges of each of said sections are thermally compressed together by simultaneously applying heat and pressure so that they are joined.
9. (new) The process for making filled snacks as dried by non-oil-frying according to claim 2, wherein in said step (e), the heat is applied at a temperature within a range of 30°C to 150°C.
10. (new) The process for making filled snacks as dried by non-oil-frying according to claim 2, wherein in said step (e), the pressure is applied within a range of 0.1 kg/cm<sup>2</sup> to 50 kg/cm<sup>2</sup>.
11. (new) The process for making filled snacks as dried by non-oil-frying according to claim 9, wherein in said step (e), the pressure is applied within a range of 0.1 kg/cm<sup>2</sup> to 50 kg/cm<sup>2</sup>.

12. (new) The process for making filled snacks as dried by non-oil-frying according to claim 8, wherein in said step (e), the heat is applied at a temperature within a range of 30°C to 150°C.
13. (new) The process for making filled snacks as dried by non-oil-frying according to claim 8, wherein in said step (e), the pressure is applied within a range of 0.1 kg/cm<sup>2</sup> to 50 kg/cm<sup>2</sup>.
14. (new) The process for making filled snacks as dried by non-oil-frying according to claim 12, wherein in said step (e), the pressure is applied within a range of 0.1 kg/cm<sup>2</sup> to 50 kg/cm<sup>2</sup>.

**REMARKS / ARGUMENTS**

Claims 2, 4, 6 and 8-14 remain pending in this application. No claims have been canceled without prejudice or disclaimer. New claims 9-14 have been added.

**35 U.S.C. § 103**

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kato et al (JP 56-24506) in view of Cassetta et al (U.S. Patent No. 5,780,091) and in further view of Nelson et al (U.S. Patent No. 6,083,545). Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kato et al in view of Cassetta et al and in further view of Rouse et al (U.S. Patent No. 3,012,697). Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kato et al in view of Cassetta et al and Rouse et al and in further view of Poon (U.S. Patent No. 3,489,105). Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kato et al in view of Cassetta et al and Rouse et al and in further view of Nelson et al. These rejections are traversed as follows.

In response to Applicants' previously filed arguments, the Examiner responds by maintaining that Nelson et al teach a thermal compression step. Applicants respectfully disagree. It is acknowledged that claims 4 and 5 in columns 5 and 6 of Nelson et al refer to applying hot air to unopposed surfaces of the sheets of pasta dough to raise their temperatures. However, the Examiner should not construe this

language to correspond to being thermally compressed as recited in claim 2. The heated air is applied to the layers of pasta to "dry the surfaces of the pasta layers that contact the pillow forming rolls to reduce the propensity of the pasta to stick to the pillow forming rolls" (see column 4, lines 32-37). As clearly shown in Fig. 3, hot air jets 100 and 102 apply heated air to dry the surfaces of the pasta layers before they reach pillow forming rolls 80 and 82. The fact that some heat caused by hot air jets 100 and 102 may remain in the layers of pasta does not mean that they are thermally compressed by the rollers 80 and 82. In order to clarify this point, claim 2 has been amended to recite that the "sections are thermally compressed together by simultaneously applying heat and pressure so that they are joined".

Even the present specification refers to drying the surface of a steamed dough sheet in order to prevent the cutter from sticking to the dough sheet (see specification, page 6, line 24 to page 7, line 18). The specification further refers to cooling the dough sheet to 30°C or below, according to the first and second embodiments, or to 15°C according to the third embodiment (see specification, page 7, lines 3-9 and page 8, lines 19-22). The present specification also discusses the advantage of maintaining a wet surface for each of the cut sections so that they can be pressed together to provide a firm seal. This advantage is also discussed by Nelson et al at column 3, lines 46-50.

However, both the maintaining of a wet surface and the drying of the dough sheet are independent from the thermal compression step which is discussed on page 11, line 28 to page 12, line 28, for example. The importance of the thermal

compression step can clearly be seen with respect to example 1, in which thermal compression is performed, and comparative example 2, in which thermal compression is not performed (see specification, page 14, lines 1-22, and Table 1 on page 16). Furthermore another example showing the importance of thermal compression is shown in Table 2 on page 19, which refers to example 2. Therefore, claim 2, when properly construed, is not rendered obvious by the attempted combination of references.

Claim 4 recites a step (d) in which a powder is applied to the surface of a conveying belt for transporting the broad dough sheet in an amount ranging from 0.0014 g/cm<sup>2</sup> to 0.0222 g/cm<sup>2</sup>. As stated in the specification, if the surface of the dough sheet is dusted with a powder, residual powder will dissolve out of the final filled snack as it is eaten, thereby occasionally impairing its taste. As such, the powder is applied to a surface of a conveying belt in the recited range. The Examiner's attention is directed to the specification, page 10, lines 2-14, regarding the importance of the claimed range.

While Rouse et al disclose dusting and spreading a film or layer of particled material on a belt that carries dough to prevent the dough from sticking to the belt, Rouse et al's vibrating applicator is used in wholesale bakeries (see column 1, lines 10-14). Thus, even if an excessive amount of powder sticks to a surface of bread, it would not impair the taste of the bread because the bread is not boiled in water. On the other hand, the filled snack presently claimed is later boiled in water which would cause any residual powder to dissolve and could impair its taste. Therefore, the

claimed range is important to the presently claimed invention. Thus, it is submitted that one of ordinary skill in the art would not arrive at the presently claimed range without considering both preventing the dough from sticking to the belt and making sure that the resulting product is one that tastes appropriately after boiling.

The deficiencies noted above with respect to Nelson et al and Rouse et al are not overcome by resort to any of the remaining cited references. As such, it is submitted that all of the pending claims patentably define the present invention over the cited art.

### **Conclusion**

In view of the foregoing, Applicants respectfully request that a timely Notice of Allowance be issued in this case. Please charge any shortage of fees due in connection with the filing of this paper, or credit any overpayment of fees, to Deposit Account 50-1417.

Respectfully submitted,

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